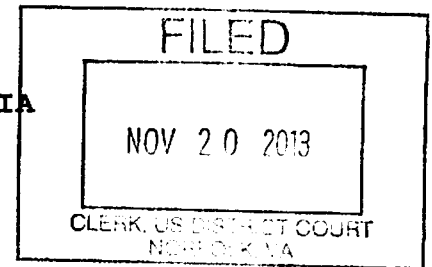


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



WAYNE BAILEY,

Plaintiff,

v.

ACTION NO. 2:13cv333

CITY OF CHESAPEAKE, a municipal
corporation, et al.,

Defendants.

FINAL ORDER

This matter is before the Court on Defendants' Motion to Dismiss for Failure to State a Claim (ECF No. 4) which was filed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.


On September 30, 2013, this matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) for report and recommendation. The Report and Recommendation of the Magistrate Judge was filed on October 16, 2013, recommending that Defendants' Motion to Dismiss be granted. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired.

The Court hereby ADOPTS the findings and recommendations set forth in the report of the United States Magistrate Judge filed on

October 16, 2013, and Defendants' Motion to Dismiss is GRANTED, and this case is DISMISSED.

Plaintiff is ADVISED that he may appeal from this Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within thirty (30) days from the date of this Final Order.

The Clerk shall forward a copy of this Final Order to counsel of record for the parties.



/s/ Mark S. Davis
Mark S. Davis
United States District Judge

Norfolk, Virginia

November 20, 2013